

Kristine Sullivan

From: Kristine Sullivan
Sent: Thursday, December 17, 2015 4:16 PM
To: 'Guzman, Elizabeth'
Cc: Corbett, Lisa; John Rittelmeyer
Subject: RE: Request for complete records and amended request - BMNTC

Beth,

Thank you for the update and for sending the documents as requested.

I understand your position that the information withheld falls under the protections of the PSQIA. However, I still need a general explanation of the types of documents (management report, incident report, etc.) not provided under PSQIA. Much as with claims of privilege or attorney work product, a general description of the document is necessary in order to determine whether we agree with, or may choose to challenge, the assertion of privilege. Disability Rights NC considers it of great importance that our organization and BMNTC (and DSOHF generally) reach some understanding as to the scope of privilege under PSQIA. If there is a difference of opinion that cannot be resolved by establishing a framework governing our requests, then it may become necessary for us to submit the issue to a court for resolution.

Thank you,
Kristine

Kristine L. Sullivan, Attorney
Disability Rights North Carolina
Champions for Equality and Justice

Disability Rights NC is the state's protection and advocacy system. DRNC is a 501 (c)(3) organization. Donations support our efforts to promote a clear and independent voice for North Carolinians with disabilities. Disability Rights NC participates in the State Employees Combined Campaign. Our SECC # is 1544.

From: Guzman, Elizabeth [<mailto:elizabeth.guzman@dhhs.nc.gov>]
Sent: Thursday, December 17, 2015 3:32 PM
To: Kristine Sullivan
Cc: Corbett, Lisa
Subject: Request for complete records and amended request - BMNTC

Kristine,

As you can see from my e-mail to you dated 7 December 2015 I acknowledged that the first run of records was over-redacted. I am aware of DRNC's authority to access these records and the extent of information that must be provided. I also acknowledged to Kathy that the set I provided to her last week was still over-redacted, though considerably less so than the original set I received from BMNTC. That said, there is still an abundance of information concerning this resident, and the redactions therein are the result of an honest mistake and misapprehension of the rules on the part of the employee that prepared the records. There was certainly no intent to "impede the investigation." I am receiving a clean copy today which I will be redacting myself. You will receive those records by close of business 21 December 2015, along with the requested items in paragraph 3 of your e-mail.

The information that has not been produced meets the definition of Patient Safety work product as that term is defined in DOSHF policy and the federal Patient Safety and Quality Improvement Act and its accompanying federal regulations.

BMNTC has provided you with all information concerning this incident other than that which is confidential and privileged pursuant to the Patient Safety and Quality Improvement Act.

BMNTC is hopeful that this investigation will be part of a collaborative effort to meet the shared goal of our respective organizations: provision of excellent care to the resident.

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